

Notice of Allowability

Application No.

09/994,264

Examiner

Steven D. Maki

Applicant(s)

PAWLAS ET AL.

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6-22-05.
2. ☒ The allowed claim(s) is/are 73-76,78-90.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 091305.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Examiner's Amendment

1) An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

In claim 73:

line 6 change "non-rigid" to --flexible fluoropolymer--

line 9 delete --non-rigid--

line 10 delete --non-rigid-- (both occurrences)

line 11 delete --non-rigid--

line 14 after "holding" insert --the outer surface of--

line 14 change "non-rigid" to --flexible fluoropolymer--

In claim 75:

lines 1-2 delete --non-rigid--

line 3 delete --non-rigid--

In claim 78:

line 1 delete --non-rigid--

line 10 delete --non-rigid--

In claim 79:

lines 4-5 delete --non-rigid--

line 8 delete --non-rigid--

In claim 80:

line 6 delete --non-rigid--

line 7 delete --non-rigid--

In claim 82:

line 1 delete --non-rigid--

In claim 83:

line 1 delete --non-rigid--

In claim 85:

lines 2-3 delete --non-rigid--

line 5 delete --non-rigid--

line 6 delete --non-rigid--

In claim 88:

line 2 delete --non-rigid--

line 4 delete --non-rigid--

In claim 90:

line 2 delete --non-rigid--

lines 2-3 delete --non-rigid--

line 3 delete --non-rigid--

line 5 delete --non-rigid--

line 6 delete --non-rigid-- (both occurrences)

2) Authorization for this examiner's amendment was given in a telephone interview with Steven Webb on 9-13-05.

Reasons for Allowance

3) The following is an examiner's statement of reasons for allowance, which supplements applicant's arguments filed 6-22-05:

Support for the changes to claim 73 is found in the original disclosure for example at page 3 lines 28-29, page 4 lines 31-32 and page 19 lines 27-29.

The prior art of record fails to suggest using a flexible fluoropolymer flow tube and inserting an adhesive in the predefined gaps and holding the outer surface of the flow tube extending between the two legs in an essentially straight configuration while the inserted adhesive cures in combination with the remaining limitations of claim 73.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

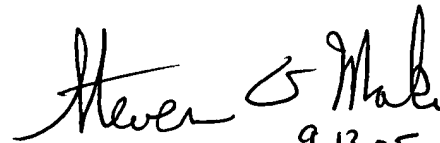
4) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dunn can be reached on (571) 272-1171. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki
September 13, 2005


STEVEN D. MAKI
PRIMARY EXAMINER
~~GROUP 1300~~
AV 1733
9-13-05